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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/605,655 | 10/15/2003 | Tzu-Hung Cheng | PMXP0164USA | 2654 |
| 27765 | 7590 | 12/15/2006 | EXAMINER | |
| NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116 | | | CUTLER, ALBERT H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2621 | |

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/605,655 | CHENG ET AL. | |
| | Examiner | Art Unit | |
| | Albert H. Cutler | 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/05/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Takayama(US Patent 6,970,192).

Consider claim 1, Takayama teaches:

A file managing method(figures 2a-12, column 3, line 13 through column 10, line 60) for an image capturing apparatus(figures 1 and 10, column 3, lines 13-40, column 9, lines 22-26), the method comprising:

selecting at least one image(803, figure 8) from a plurality of images(801, 802, and 803) captured by the image capturing apparatus(figure 1) as a directory name of the plurality of images(The name of image 803, "005", in the plurality of images shown in figure 8, is assigned as the directory name in figure 7, for the directory(703) representing said plurality of images(801, 802, and 803). Column 7, lines 1-57, see figures 7 and 8).

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Consider claim 2, and as applied to claim 1 above, Takayama further teaches of classifying the plurality of images using the directory name(See figures 7 and 8. The plurality of images(801, 802, and 803) are classified using the directory name, "005", that corresponds with the image(803) used to represent the directory. The image chosen to represent the directory(i.e. classify the images) is represented by a star(806) in the plurality of images.)

Consider claim 3, and as applied to claim 1 above, Takayama further teaches: determining whether to set up a first image captured after the image capturing apparatus(figure 10) is turned on("Note that in this embodiment, new groups are set in the same way when the electric power is turned on(i.e. the image capturing apparatus is turned on)." Column 9, lines 39-40) as the directory name("When the group key is operated, a new group(i.e. directory) is set from the image to be photographed next(i.e. the next image is the directory name, column 9, lines 41-47)". Column 9, lines 31-40).

Consider claim 4, and as applied to claim 1 above, Takayama further teaches: selecting other images from the plurality of images to become the directory name of the plurality of images(column 7, lines 44-57. A "registration key" is used to select other images from the plurality of images to be the representative image(i.e. the directory name). See figure 8, the representative image is denoted with a star(806)).

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Consider claim 5, and as applied to claim 1 above, Takayama further teaches that the image capturing apparatus is a digital camera of a digital camcorder("digital video camera recorder", Column 3, lines 15-17, Column 9, lines 22-25, figures 1 and 10).

Consider claim 6, Takayama teaches of an image capturing apparatus for implementing the method of claim 1(figures 1 and 10, column 3, lines 13-40, column 9, lines 22-26).

Consider claim 7, Takayama teaches:

An image capturing apparatus(figures 1 and 10, column 3, lines 13-40, column 9, lines 22-26) comprising:

a viewfinder for viewing an object(display unit, 107);

and a control button set(106, 106a, 106b, 106c, and 106d) for controlling relating functions of the image capturing apparatus(column 3, lines 34-36, column 9, lines 24-25), the control button set(106) comprising a control button("registration key", column 7, line 47) for selecting at least one image from a plurality of images captured by the image capturing apparatus as a directory name of the plurality of images(The "registration key" which is also found on the control button set(column 7, lines 47-48), although not explicitly shown in the drawings, allows a user to select an image from the plurality of images to be the representative image for the group(i.e. directory name). Column 7, lines 44-57).

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Consider claim 8, and as applied to claim 7 above, Takayama further teaches:

a power button for turning on the image capturing apparatus(A power button is inherent in an electronic camera. "Note that in this embodiment, new groups are set in the same way when the electric power is turned on." In order for the electric power to be turned on, there must be a power button.).

Consider claim 9, and as applied to claim 8 above, Takayama further teaches:

the control button set(106, 106a, 106b, 106c, and 106d) further comprises a setting button(106d, "group key" column 9, lines 35-36) for selecting a first image captured after the image capturing apparatus is turned on as the directory name("When the group key(i.e. setting button) is turned on, a new group(i.e. directory) is set from the image to be photographed next." This embodiment works the same way when the electric power(i.e. power button) is turned on. Column 9, lines 31-40. Figure 11)

Consider claim 10, and as applied to claim 7 above, Takayama further teaches that the viewfinder is an electrical viewfinder(The camera is operated by electric power(column 4, lines 4-5). The display unit(i.e. viewfinder) displays a synthesized image on a display screen. Column 3, line 62 through column 4, line 2).

Consider claim 11, and as applied to claim 7 above, Takayama further teaches that the image capturing apparatus is a digital camera or camcorder("digital video camera recorder", Column 3, lines 15-17, Column 9, lines 22-25, figures 1 and 10).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571)-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC


PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER